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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-469

11 **GALVEN CASTRO MENORIA**  
12 **c/o Nelson Angel**  
13 **350 East 62nd Street, #3-G**  
14 **New York, NY 10021**  
15 **Registered Nurse License No. 539588**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about February 22, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs, filed Accusation No. 2012-469 against Galven Castro Menoria  
(Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

21 2. On or about December 31, 1997, the Board of Registered Nursing (Board) issued  
22 Registered Nurse License No. 539588 to Respondent. The Registered Nurse License was in full  
23 force and effect at all times relevant to the charges brought in Accusation No. 2012-469 and will  
24 expire on December 31, 2013, unless renewed.

25 3. On or about February 22, 2012, Respondent was served by Certified and First Class  
26 Mail copies of the Accusation No. 2012-469, Statement to Respondent, Notice of Defense,  
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
2 which was and is:

3 c/o Nelson Angel  
4 350 East 62nd Street, #3-G  
5 New York, NY 10021.

6 4. Service of the Accusation was effective as a matter of law under the provisions of  
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
8 124.

9 5. On or about March 6, 2012, the Board received a certified mail receipt indicating that  
10 someone had signed for the documents sent by certified mail on March 2, 2012.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
14 of the accusation not expressly admitted. Failure to file a notice of defense shall  
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
16 may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 2012-469.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent.

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 2012-469, finds  
that the charges and allegations in Accusation No. 2012-469, are separately and severally, found  
to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$485.00 as of March 22, 2012.

### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Galven Castro Menoria has subjected his Registered Nurse License No. 539588 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Violation of Business and Professions Code section 2761(a)(4), which authorizes discipline based on disciplinary action taken by other states against a licensee's license in that state, for having his New York nursing license suspended for two years on or about July 2006 following a federal felony conviction for conspiracy to distribute and possess with intent to distribute Ecstasy, a violation of 21 U.S.C. sections 841(a)(1) and 846.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 539588, heretofore issued to Respondent Galven Castro Menoria, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED June 29, 2012

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FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ Matter ID: LA2011505915

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY WARD  
Deputy Attorney General  
4 State Bar No. 246437  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2660  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2012-469**

11 **GALVEN CASTRO MENORIA**

**ACCUSATION**

12 c/o Nelson Angel  
13 350 East 62nd Street # 3-G  
14 New York, NY 10021

15 **Registered Nurse License No. 539588**

16 **Respondent.**

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about December 31, 1997, the Board issued Registered Nurse License Number  
23 539588 to Galven Castro Menoria ("Respondent"). The Registered Nurse License will expire on  
24 December 31, 2013 unless renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
27 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
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1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
5 licensee or to render a decision imposing discipline on the license. Under section 2811,  
6 subdivision (b), the Board may renew an expired license at any time within eight years after the  
7 expiration.

8 5. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended,  
9 expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license  
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
12 order of the board or by order of a court of law, or its surrender without the written  
13 consent of the board, shall not, during any period in which it may be renewed,  
14 restored, reissued, or reinstated, deprive the board of its authority to institute or  
continue a disciplinary proceeding against the licensee upon any ground provided by  
law or to enter an order suspending or revoking the license or otherwise taking  
disciplinary action against the licensee on any such ground."

15 6. Section 2761 of the Code provides, in pertinent part:

16 "The board may take disciplinary action against a certified or licensed  
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the  
19 following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other  
21 disciplinary action against a health care professional license or certificate by another  
22 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action."

### 23 COST RECOVERY

24 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licensee found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the New York Board of Nursing)

3 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the  
4 Code on the grounds of unprofessional conduct because he was disciplined by the New York  
5 State Board of Nursing ("New York Board"), as follows:

6 9. On or about July 26, 2006, the New York Board entered findings of fact, conclusions  
7 of law, and made an order in the disciplinary action entitled *In the Matter of Galven Menoria*  
8 *(Registered Professional Nurse)*. The New York Board found that in August 2004 Respondent  
9 was convicted in federal court of the crime of conspiracy to distribute and possess with intent to  
10 distribute Ecstasy, a felony violation of 21 U.S.C. sections 841(a)(1)(prohibiting distribution or  
11 possession with intent to distribute controlled substances) and 846 (conspiracy to commit  
12 violation of section 841.) It ordered his New York nursing license suspended for 24 months, with  
13 18 months of that suspension stayed.

14 10. Under Section 2761 subdivision (a)(4) of the Code the New York Board's  
15 disciplinary action suspending Respondent's New York nursing license in 2006 is grounds for the  
16 California Board to take disciplinary action.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 539588, issued to Galven  
21 Castro Menoria;

22 2. Ordering Galven Castro Menoria to pay the Board of Registered Nursing the  
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
24 Professions Code Section 125.3; and,

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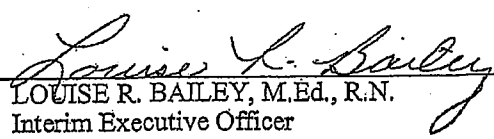
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3. Taking such other and further action as deemed necessary and proper.

DATED: February 22, 2012



LOUISE R. BAILEY, M.Ed., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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